

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

GARY COKER

§

VS.

§

CIVIL ACTION NO. 1:21cv386

SUSAN MCGUIRE, ET AL.

§

ORDER PARTIALLY ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

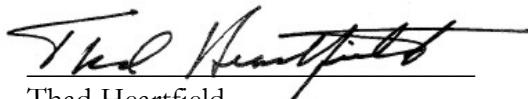
Gary Coker filed the above-styled civil rights lawsuit. The court referred the matter to the Honorable Christine L. Stetson, United States Magistrate Judge. The magistrate judge has submitted a Report and Recommendation recommending the case be dismissed without prejudice for lack of subject matter jurisdiction.

After the Report and Recommendation was submitted, plaintiff filed a motion (doc. no. 9) asking that his case be voluntarily dismissed. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i),¹ Plaintiff is entitled to dismiss his case at this stage of the proceedings.

ORDER

The Report and Recommendation is **ADOPTED** to the extent it recommends dismissal of this lawsuit. Plaintiff's motion for voluntary dismissal is **GRANTED**. A final judgment will be entered dismissing this case pursuant to Federal Rule of Civil Procedure 41(a).

SIGNED this the 3 day of January, 2022.



Thad Heartfield
United States District Judge

¹ Rule 41(a)(1)(A)(i) provides that a plaintiff may voluntarily dismiss his case prior to the filing of an answer or motion for summary judgment. Neither an answer nor a motion for summary judgment has been filed in this matter.